

Alarm Systems



From Scottsdale City Code

NOTICE

This booklet incorporates sections of the City Code of the City of Scottsdale as it relates to Alarm Systems.

It is our hope that this booklet will assist you in understanding the permitting and licensing law.

For additional information or clarification please call (480) 312-2400.

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CHAPTER 3 ALARM SYSTEMS

ARTICLE I. GENERALLY.

Sec. 3-1. Purpose.

Alarm systems of various types are used by private citizens, businesses and other commercial enterprises to alert police and fire departments to the occurrence of events requiring the response of public safety personnel. Alarms that are improperly installed, maintained or operated result in false alarm generation and the inappropriate use of public safety resources to the detriment of the community at large. The time spent by public safety personnel in responding to alarms, when no such response is actually required, is substantial, costly and wasteful. The purpose of this chapter is to regulate alarm business and alarm user conduct to reduce the waste of community public safety resources. This chapter is also for cost recovery purposes.

Sec. 3-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Activation means setting off or triggering an alarm system, whether intentionally or unintentionally, rather than placing an alarm system in a state of readiness, as upon the completion of installation or when arming the alarm.

Act of God means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable care, skill or foresight and is recognized as being of such magnitude that it would have widespread effect.

Agent means any person, whether an employee, independent contractor, or otherwise; who acts on behalf of an alarm business and installs, maintains, services, monitors, or repairs any alarm system in or on any building, place or premises.

Alarm business means a business, all or a part of which sells, leases, installs, monitors, maintains, services, repairs, alters or responds to any alarm system, in or on any building, structure, or facility within the city of Scottsdale. A business which manufactures or sells alarm systems from a fixed location is not an alarm business if it does not engage in the activities indicated above, nor designs any scheme for physical location and installation of an alarm system in a specific location and has no alarm agent visit the location where an alarm is to be installed.

Alarm system means any mechanical or electrical device, including but not limited to those used for the detection of smoke, fire, hazardous materials, or unauthorized entry into a building or other facility, or for alerting others of the occurrence of fire, or a medical emergency or the commission of an unlawful act within a building or other facility and which is designed to emit an outside audible alarm or transmits a signal or message when actuated. Alarm systems include direct dial telephone devices, audible alarms and proprietor alarms. Alarm systems specifically exclude telephone call diverters and systems designed to report environmental and other occurrences that are not intended to alert, or cause others to alert, public safety personnel.

Alarm user means any person who purchases, leases, contracts for, otherwise obtains or uses an alarm system and includes proprietor alarms that are not leased from, owned by or maintained under a contract by an alarm business.

Audible alarm means a device designed to generate an outside audible sound when an alarm system has been activated.

Automatic dialing device means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message or any other signal when activated, over a telephone line, radio or other communication system for the purpose of notifying or causing to be notified, public safety personnel.

Burglary alarm system means an alarm system which signals an entry or attempted entry to the area protected by the system.

City representative means an employee or agent of the city, or an independent contractor acting on its behalf, who is responsible for the administration and enforcement of this chapter.

Emergency medical alarm system means a manually activated alarm system designed to signal a medical emergency and to summon medical assistance.

Fire department means the Rural/Metro Fire Department or, in the event that the city shall provide its own fire service, that organization.

License means an alarm business license issued pursuant to this chapter.

Monitored alarm system means an alarm system that transmits signals to an alarm business or monitoring agency for the purpose of alerting public safety personnel.

Monitoring agency means any person or organization that is legally or contractually responsible for monitoring one or more alarm systems located in the City of Scottsdale.

Non-monitored alarm system means those alarms that are not monitored by a monitoring agency.

Notice means written notice, either delivered or mailed to the person to be notified at his last known address. Notice which is mailed shall be deemed given upon receipt or five (5) working days after mailing, whichever occurs first.

Permit means an alarm user permit issued pursuant to this chapter.

Permittee means a person or organization which holds a permit.

Police means the city of Scottsdale Police Department.

Primary alarm user means the person or persons who contracts for the

lease, purchase or rental of an alarm system; or who is responsible for the premises where an alarm system is located; or otherwise arranges for the installation or service of an alarm system.

Proprietor alarm system means any alarm system which is not leased or rented from, owed or maintained under contract by an alarm business.

Robbery alarm system means an alarm system which is used to signal a robbery, attempted robbery or other crime in which a personal confrontation may be occurring, and which may include the use of a panic button activation device or alarm system duress feature.

Sec. 3-3. Effective date; exceptions.

(a) The effective date of this chapter shall be June 1, 1994, except the provisions of Sections 3-14, and 3-17 through 3-19 which shall be effective September 1, 1994.

(b) The provisions of this chapter shall not apply to audible alarms installed in or used in motorized transportation, including without limitation, motor vehicles and boats.

Sec. 3-4. Administration.

The administration of this chapter, including the duty of prescribing forms, is vested in the general manager of financial services. License and permit applications made pursuant to this chapter shall be submitted to the customer service director, who shall have the authority to issue, deny or revoke a permit or license in accordance with the provisions of this chapter. The city manager or designee shall be responsible for review procedures, hearings or related activities provided for in this chapter.

ARTICLE II. ALARM BUSINESSES.

Sec. 3-5. License required; term; fees.

(a) No person shall engage in the activities of an alarm business in the city without having first obtained a license as provided by this chapter.

(b) The license required by this section shall be in addition to any other licenses or permits required in order to engage in business by either the city, the county or the state, and persons engaging in activities described in this chapter shall comply with all other ordinances and laws, including the city zoning laws, as may be required to be engaged in the business to be licensed. Failure of an applicant or licensee, as applicable, to meet the requirements of this subsection shall be grounds for denial or revocation of a license.

(c) Licenses issued pursuant to this article shall be for a period of one (1) calendar year and shall be renewable annually, subject to any terms and conditions provided in this article.

(d) Fees for initial license application or renewal shall not be refundable, transferable or prorated. The initial annual license fee shall be prorated, by quarter, if applicable. The following fees shall apply to alarm business licenses, and shall accompany initial applications or renewals:

Initial license application	\$100.00
Initial annual license & annual renewal	\$ 30.00
Criminal history investigation	\$ 25.00

(e) In the event that a state law is enacted, which provides for the licensing of the activities which are the subject of this section, and which expressly preempts the city from requiring a separate city license for the same activities, the city shall refund to any alarm business licensed under this section an amount representing that portion of the city license, if any, preempted by the state law. The amount of the refund shall be prorated as of the date of the issuance of the preempted state license and shall be determined by multiplying the remaining portion of the city license, expressed as a fraction of the current license year by the total fees paid pursuant to subsection (d), above. Sections 3-8 through 3-11 of this article shall remain in full force and effect, notwithstanding any preempting state licensing, except as any portion of those provisions may either be

expressly or impliedly preempted by the state law.

(f) Upon request and the payment of a ten dollar (\$10) fee, the customer service director shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

(g) In addition to the current license fees due, all applicants for licenses under this chapter shall pay such additional fees as would have been paid if the applicant had previously complied with its requirements. Fees shall be subject to accrual from the effective date of the chapter and may be collected from the applicant for a period of not more than four (4) years.

Sec. 3-6. Application; investigation.

(a) Application for an alarm business license, or a license renewal, shall be made to the customer service director, upon forms prepared and approved by the city, and contain the following information:

- (1) Name, business location, mailing address and telephone number of the alarm business.
- (2) Names and addresses of any alarm agents employed by the alarm business, identifying which alarm agents, if any, are registered security guards.
- (3) Copy of current, active C-12 contractor's license and/or an L67 low voltage communications license, issued by the state registrar of contractors. Applicants whose sole business activity under this chapter is the monitoring of alarm systems shall not be required to possess any state registrar of contractors licenses. Effective as of January 1, 1996, however, such applicants shall provide proof of Underwriters Laboratories (UL) or Factory Mutual (FM) listing as a licensing requirement. Applicants whose business activities include both monitoring of alarm systems, and alarm system installation and maintenance, shall comply with all the licensing requirements of this section relating to those activities.

- (4) Statement of all prior criminal convictions of the applicant, including alarm agents, except minor traffic offenses, for the five (5) years immediately preceding application.
- (5) A description of the applicant's previous experience in activities similar to those for which the license application is submitted.
- (6) The name, address and telephone number of the local manager, or managing officer, if a partnership or sole proprietorship, or statutory agent if a corporation
- (7) Certificate of liability insurance, evidencing errors and omissions insurance and combined general comprehensive insurance in the minimum amount of \$1 million, and must specifically cover alarm systems. The insurance carrier is required to notify the city if insurance lapses. It is the sole responsibility of the applicant to determine whether other types or greater amounts of insurance coverage are necessary to adequately protect its interests and those of the public. This insurance coverage shall remain in full force and effect throughout the term of the license.
- (8) Additional information deemed by the customer service director to be reasonably necessary to fully and fairly evaluate the license application.

(b) All applicants for licenses under this article shall personally appear at the city police department or such other location as may be designated by the customer service director, for the purpose of being fingerprinted. For the purposes of this subsection, "applicant" shall include all general partners, if the applicant is a partnership, and officers, if the applicant is a corporation. The police department shall conduct a background investigation of the applicant and shall advise the customer service director of the findings of such investigation within the period allowed for issuance of the license.

(c) The customer service director shall have sixty (60) days from the date of completion of all application materials and requirements to either issue or deny any license subject to this article. The issuance of any license shall be in no way construed as a waiver of any right of denial or

revocation the city may have at the time of issuance or thereafter.

Sec. 3-7. Issuance.

(a) The customer service director will issue a license to an applicant or renew a license, if applicable, when the following conditions are fully satisfied:

- (1) All application requirements have been met and the background investigation has been conducted.
- (2) All application and license fees have been paid in full.
- (3) No grounds for denial exist.

(b) The following reasons shall constitute sufficient grounds for denial of license or renewal of a license:

- (1) The applicant has been previously convicted, in any jurisdiction, of a felony; or a misdemeanor involving fraud, theft, dishonesty, assaultive conduct or moral turpitude; within the five (5) year period immediately preceding the filing of an original application or a request for renewal, whether or not the conviction or convictions have been expunged from court records pursuant to law. For the purposes of this subsection, the term "applicant" shall include general and limited partners, if the applicant is a partnership, and officers if the applicant is a corporation. A certified copy of the records of any court of competent jurisdiction reflecting the fact and date of any relevant conviction shall be prima facie evidence of a conviction for purposes of this chapter.
- (2) False or misleading information was given in any license application, request for renewal or was submitted in support of such application or request, or the applicant failed or refused to make full disclosure of all required information.
- (3) The applicant is not a United States citizen or lawful permanent

resident alien or an alien who is authorized to work by the United States Department of Justice Immigration and Naturalization Service.

- (4) The customer service director has reasonable grounds to believe that the licensee has shown a pattern of repeated non-compliance or disregard with the provisions of this chapter.

Sec. 3-8. Display of license.

The license shall be kept and maintained at the central station or office of the alarm business and it shall be made available to city representatives, upon request, at any time during normal business hours.

Sec. 3-9. Equipment and technical standards.

The following standards shall apply to alarm systems sold, installed or maintained by alarm businesses on or after the effective date of this chapter:

- (1) All major components of alarm systems shall be underwriters laboratories (UL) or factory mutual (FM) approved, or in "approval pending" status.
- (2) All alarm systems shall be installed using good workmanship and shall be designed to reduce false alarms.
- (3) All alarm systems shall have a backup, rechargeable power supply.
- (4) Motion detectors and photoelectric beam detectors may only be installed by agents or technicians who have been trained by the manufacturer or in a class organized for teaching alarm technologies, in the proper installation of such devices.
- (5) Burglar alarm systems must be designed to alert the user of the possible system problems when the user tests or attempts to activate the alarm system.

- (6) Audible burglar alarms shall be designed to emit audible sound no longer than ten (10) minutes from the time the alarm is activated.
- (7) Audible and monitored (transmitted) alarms shall be designed to have distinguishable alarms for burglary and fire.
- (8) Ionization type detectors shall not be connected to a monitored alarm system.
- (9) No alarm business shall place in service or monitor an alarm system that is known to be defective or contains defective components such as depleted batteries.
- (10) Automatic dialing devices may not be programmed to any telephone number in the city government, including, without limitation the police department or the fire department.

Sec. 3-10. Responsibilities.

(a) Any alarm business who installs or replaces an alarm system shall have a valid C-12 contractor's license and/or L67 low voltage communications license, unless the installation or replacement is performed by the owner or a tenant of the premises where the installation is being made.

(b) Upon the completion of the installation of an alarm system, the alarm business shall inspect and test all equipment and take or cause to be taken corrective action necessary to prevent the occurrence of false alarms.

(c) Any alarm business that has a service or maintenance agreement with an alarm user, shall provide repair service to the subject alarm system within twenty-four (24) hours of being notified that the alarm system is in need of repair or service. Any alarm business that has a service or maintenance agreement with an alarm user shall be available for notification of a need for repair service or repair twenty-four (24) hours a day, seven (7) days a week.

(d) An alarm business shall provide an alarm user with a written report any time the alarm business performs any type of service, maintenance or inspection to the alarm system. The report shall describe the reasons for the service, maintenance or inspection, any problems diagnosed and actions taken.

(e) An alarm business that installs an alarm system shall provide the primary alarm user with complete instruction, including specific written operating instructions, or a videotape presentation of the same, that provides reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business.

(f) The alarm business shall provide the primary alarm user with a method of prearranging burglar or fire alarm system tests.

(g) Alarm businesses that provide monitoring, maintenance, repair or service to the alarm user shall maintain the following records, as applicable, for inspection by the city for two (2) years from the time the service is performed:

- (1) The name and address of the owner or occupant of the premises, the name and telephone number of the user, a primary and at least two alternative persons responsible for responding to the premises when the alarm is activated.
- (2) Documentation certifying that each alarm user for which an installation has been completed has received the instruction required by subsection (e), above.
- (3) A record of all activities and action taken to correct false **alarms** and events.

(h) An alarm business which leases, monitors, or services an alarm system with an audible sounding device shall conspicuously place on the outside of the premises a sign or decal identifying the name of the alarm business and the telephone number to call when the alarm has been activated. The telephone number shown shall be updated as necessary to reflect accurate, current information.

Sec. 3-11. Notification of public safety agency; response.

(a) When an alarm business receives an alarm notification, it shall call back the premises from which the alarm signal was activated and verify activation with an authorized user, prior to notifying public safety dispatch, except when the type of alarm activated might make verification inappropriate (fire or panic alarm). When the fire department or police department is notified of an alarm condition by an alarm business, the following information shall be provided:

- (1) The name and address of the alarm user.
- (2) The type of alarm.
- (3) The area protected by the alarm.
- (4) The estimated time of arrival of the alarm user or agent if requested.

(b) The responsible alarm business shall inactivate any audible alarm within then (10) minutes of notification of its activation.

(c) When requested to do so by the police department, an alarm business shall arrange for the alarm user's responsible party representative to go to the premises of an activated alarm system within twenty (20) minutes of the activation of the alarm to be available to assist the fire or police department in determining the reason for the activation and securing the premises.

(d) An alarm user or alarm agent shall respond to the scene of an alarm activation as expeditiously as safety permits, but without unnecessary or unreasonable delay.

(e) The alarm business or alarm agent shall cause alarm sounding devices to be disconnected from the alarm system prior 10 repairing or testing of system equipment, except when the sounding devices are being repaired or tested.

(f) The alarm user shall, and an alarm business may, notify the city, in writing, when an alarm business has ceased to lease, rent, maintain, service or monitor the alarm system and that the service has been terminated, or is being provided by another alarm business. The alarm user shall identify any alarm business which is providing replacement services.

Sec. 3-12. Revocation; appeals.

(a) The city manager shall initiate license revocation proceedings when there are reasonable grounds to believe that any of the conditions of section 3-7(b) (1-4) exist. Except as otherwise provided in this chapter, revocation proceedings shall be as provided in article 1, chapter 16 of this code.

(b) Any person aggrieved by any decision with respect to either the denial of or refusal to issue a license, or the renewal of a license, or revocation of a license, which is the subject of this chapter, shall be entitled to the appeal provisions found in article 1, chapter 16 of this code, which shall apply to all such proceedings by this reference. All notices of appeal under this chapter shall be filed with the city manager. Provisions of article 1, chapter 16 of this code to the contrary notwithstanding, for purposes of this chapter the city manager may designate any city employee to perform functions provided for under article 1.

ARTICLE III. ALARM USERS.

Sec. 3-13. Permit required; term; fees.

(a) No alarm user shall activate, use or place an alarm system in service without first having obtained an alarm user permit as provided in this chapter. A permit is required for each alarm system used, operated or maintained in the city by an alarm user. For purposes of this subsection, an alarm user permit will be considered to be "obtained" if the permit application is received by the customer service director not later than three (3) days after the owner of the alarm system places it in a state of readiness. Alarm user permits issued pursuant to former chapter 3 of this

code shall be valid until the anniversary date of the previously issued permit. The permit holder shall apply for a new permit, pursuant to this chapter, on or before that date. Such permit holders shall comply with the provisions of this chapter in all other respects from its effective date.

(b) Permits issued pursuant to this article shall be for a period of one (1) year from the date issued or; if applicable, the date when the permit would have been issued, if timely applied for as required by this chapter, and shall be renewable annually, subject to any terms and conditions provided elsewhere in this chapter. Permits shall not be transferable, either person to person or location to location. Annual permit renewal applications shall include a certification that the alarm system has been inspected and, if necessary, maintained by a licensed alarm business or by the primary user of the system.

(c) Application for a permit shall be made to the customer service director. Each application for an initial alarm user permit shall be accompanied by a fee in the amount of ten dollars (\$10), each application for the renewal of an alarm permit shall be accompanied by a renewal fee in the amount of ten dollars (\$10), unless the alarm user has had no chargeable alarm activations in the preceding twelve (12) months, in which case the fee shall be five dollars (\$5). Each renewal application shall also be accompanied by payment in full of all fees and charges, which are then due and payable under this chapter, for the previous permit period. No permit will be renewed without full payment of all fees and charges, none of which shall be refundable or transferable.

(d) Information contained in an alarm user permit application shall be confidential and restricted to inspection by city representatives.

(e) Upon request the payment of a ten dollar (\$10) fee, the customer service director shall issue a duplicate permit to a permittee whose permit has been lost, stolen, or destroyed.

(f) The alarm user permit shall be kept and maintained on the premises where the alarm system is located and it shall be made available to city representatives, upon request, at any time during normal business hours or at otherwise reasonable times.

Sec. 3-14. Service Charges.

(a) Public safety alarm response service charges ("service charges") shall be assessed against alarm users, except as otherwise provided herein, for each permit period, as follows:

<u>Activations</u>	<u>Service Charge</u>
first and second	none
third	\$50.00
fourth and fifth	\$75.00 each
six through ninth	\$100.00 each
tenth or more	\$200.00 each

(b) No service charges shall be assessed for alarm activations which occur within the first thirty (30) days following the completion of the installation of a new alarm system, nor shall subsection (a), above, be applicable to such activations. This subsection shall apply only to newly installed systems.

(c) No service charges shall be assessed for an alarm activation that results in the preparation of a report by the police department, or the fire department, in response to the activation.

(d) All service charges shall become due and payable when a statement of charges is mailed to the customer and, except when specific arrangements are made in advance, shall become delinquent twenty-one (21) days after being mailed. A late charge of ten dollars (\$10) shall be assessed for delinquent payments.

(e) Records of service charges assessed against any alarm user, or premises, shall be deemed confidential and may only be disclosed to the alarm user, an alarm business presently having some responsibility for the alarm system that is the subject of the permit and city representatives, including members of the police and fire departments, acting in their official

capacity.

Sec. 3-15. Failure to obtain permit.

(a) Failure to obtain the permit will result in a service charge of fifty dollars (\$50) for each alarm activation which has occurred while the alarm system has operated without a permit, including the one that occasioned the present notice. Service charges imposed pursuant to this subsection shall be in addition to any that may be required by section 3-14 and shall be cumulative with them.

(b) Any alarm user or proprietor alarm owner whose alarm system is activated without having first obtained a permit as required by this article shall be notified, in writing, by the city that:

- (1) The use is in violation of this article.
- (2) Application for an alarm user permit must be submitted to the customer service director not later than ten (10) calendar days from the date of the notice.
- (3) Failure to obtain a permit as required in the notice shall result in future service charges, as indicated in subsection (a), above.
- (4) In addition to the current permit fees due, all applicants for permits under this chapter shall pay such additional fees as would have been paid if the applicant had previously complied with its requirements. Fees shall be subject to accrual from the effective date of the chapter and may be collected from the applicant for a period of not more than four (4) years.

Sec. 3-16. Remedies.

All remedies prescribed by this chapter are cumulative and supplemental and the use of one (1) or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing this chapter. This chapter shall not be construed to limit the right of the city to sue in a court of

competent jurisdiction for appropriate relief, either legal or equitable, for the non-payment of assessment fees, and to recover attorneys fees and costs for bringing such actions, as may be provided by law.

ARTICLE IV. REVIEW, HEARING AND MISCELLANEOUS.

Sec. 3-17. Service charge review.

An alarm user holding a valid permit may file a written request for a service charge review by the customer service director or designee. The request for service charge review must be received by the customer service director not later than the delinquent date for the payment of the assessment for which the review is being sought. Requests received after the delinquent date shall be deemed untimely and the rights of service charge review and hearing shall be deemed waived as to those assessments.

- (1) The service charge review request shall include a statement of the reason or reasons that the alarm user believes justify reduction or waiver of the service charge. The alarm user shall describe, if applicable, what actions have been taken to discover and eliminate such alarm activations in the future.
- (2) Grounds for alarm service charge reduction or waiver are an act of God or a valid alarm activation, where a crime report is prepared by the police department.
- (3) An alarm user may present evidence that a series of concurrent alarm activations were caused by a "common cause", which could not have been reasonably corrected before subsequent activations occurred, in which case, the activations shall be counted as a single activation. This provision shall only apply to commonly caused activations occurring within a forty-eight (48) hour period, commencing with the first commonly caused activation, provided that the responsible alarm business has documented, to the customer service director, the action taken to rectify the cause and there are no additional activations of the alarm system from the documented cause within thirty (30)

days from the documented cause.

- (4) The alarm user shall be notified, in writing, of the findings of the reviewer. In the event that good cause for relief has been shown, the service charge will be reduced or waived. In the event that good cause for relief is not shown, the alarm user will be advised that the service charge or service charges, as applicable, are due and payable on receipt of the notice.

Sec. 3-18 Hearing; notice.

(a) Any party aggrieved by the decision resulting from a service charge review may request a hearing on the service charge by filing a written request for a hearing with ten (10) days of receipt of decision of the reviewer. The request shall be filed, in writing, with the city manager or designee.

(b) The request for hearing shall include a statement of the reason or reasons that the alarm user believes justify reduction or waiver of the service charge. The alarm user shall describe, if applicable, what actions have been taken to discover and eliminate such alarm activations in the future.

(c) The request for hearing an appeal shall be accompanied by a filing fee for each service charge being appealed, in an amount equal to the service charge or, if no service charge is applicable, twenty dollars (\$20). Filing fees will be refunded to the alarm user if the service charge to which the filing fee relates is waived or reduced as a result of the hearing. If the service charge is not waived or reduced as a result of the hearing, the filing fee will be applied against the service charge or any service charge balance of the alarm user.

(d) The city manager shall designate a hearing officer, who may be a qualified volunteer, an independent contractor, or an employee of the city. The same employee who conducted the review of the service charge, however, may not be appointed as hearing officer. A hearing will be set no later than thirty (30) calendar days from the date on which the notice of appeal is filed.

(e) The hearing shall be informal and shall proceed as determined by the hearing officer, who shall have the authority to determine length of the hearing, the manner of presenting evidence, and the order of evidence. No formal rules of evidence shall be required in conducting the hearing. Both the alarm user or the city shall be entitled to be represented by counsel at the hearing.

(f) The alarm user may present witnesses and written evidence in support of his or her position, subject to any limitation imposed by the hearing officer.

(g) A member of the city staff may attend the hearing to assist the hearing officer in understanding the status of the account in question and to explain the service charge. Additional evidence and witnesses may be offered by the city, subject to any limitation imposed by the hearing officer, in support of the service charge or related matters.

Sec. 3-19. Decision of hearing officer; notice.

(a) The decision of the hearing officer shall be based upon the evidence presented and shall be rendered within ten (10) days of the completion of the hearing. The hearing officer may either affirm or deny the service charge and shall give the alarm user written notice of the decision.

(b) In the event that the hearing officer finds that there are no grounds justifying relief from the service charge, it shall be due and payable, less any filing fee which has been paid as a condition of the request for hearing, within ten (10) days of the notice of the decision of the hearing officer. The hearing officer shall have the authority, however, to waive all or part of a service charge that has been affirmed, if an alarm user voluntarily agrees to attend appropriate training, or undertake appropriate alarm system maintenance or repairs. The hearing officer may require documentation of any of these required actions.

(c) In the event that the hearing officer finds that grounds exist justifying relief from the service charge the alarm user shall not be responsible for

payment. Any filing fees paid as a condition of the hearing shall be returned by the city, unless the alarm user owes other sums to the city, whether from alarm service charges or otherwise, in which case the city may retain the fees and apply them against the amount owing.

Sec. 3-20. Offenses; penalty.

(a) It shall be unlawful for any person to engage in, represent themselves to be, or operate as, as alarm agent without first applying for and receiving a license in accordance with the provisions of this chapter.

(b) Any violation of subsection 3-5 (a) or 3-20 (a) shall be a class one misdemeanor, punishable by up to six months in the county jail, or a fine in the amount of twenty-five hundred dollars (\$2500.00), or both. When the violation does not consist of a discrete act or acts, but is, in fact, continuing in nature, each day such violation continues shall constitute a separate offense.

(c) The revocation of a license or permit, or pending revocation proceedings, shall not be a defense to prosecution under this chapter.

Sec. 3-21. Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council of the city of Scottsdale declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

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